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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Case No. BC 230 326

CONTINUED VIDEO DEPOSITION OF HOWARD I. GRAPEK
Volume II   May 8, 2001

MANHATTAN SOFTWARE, INC., a
California corporation, and
STEVEN R. MITCHELL, an
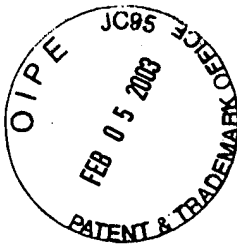Individual,

Plaintiffs,

vs.

JEAN KASEM, an Individual,
and LITTLE MISS LIBERTY
ROUND CRIB COMPANY, INC., a
California Corporation, and
LITTLE MISS LIBERTY OF
BEVERLY HILLS, a California
corporation, and LITTLE MISS
LIBERTY ROUND CRIB COMPANY,
a Texas corporation, and
DOES 1 through 50,
Inclusive.

Defendants.

AND RELATED CROSS-ACTION

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1   AFTERNOON SESSION   1:38 p.m.

2   THE VIDEOGRAPHER: We are back on the record

3   at 1:38 p.m.

4   EXAMINATION (Continued)

5   BY MR. LOEB:

6   Q   Prior to the break, I was asking you some

7   questions about what you had done with respect to the

8   Sun computer after it had been shipped to Mr. Mitchell's

9   residence in Manhattan Beach in January 1999. Had you

10   told me everything that you had done to the computer

11   while you were out in California at that time?

12   A   I believe so.

13   Q   Okay. And after -- after your visit to

14   California in January 1999, you went back to Colorado?

15   A   Yes.

16   Q   Okay. When's the next time that you saw the

17   Sun Ultra 5 computer?

18   A   Physically touched it the next time I saw

19   Steve, and that was at the Las Vegas show.

20   Q   And that was in May of 1999, correct?

21   A   Yeah.

22   Q   Okay. All right. Between January and the

23   Las Vegas show in May of 1999, describe for me -- I know

24   you've done -- this is going to be somewhat repetitive

25   -- describe for me, though, all the work you did -- you

1   recall doing on the Sun Ultra computer during that

2   period.

3   MR. CONNER: Overbroad.

4   MR. MEININGER: Yeah.

5   A   Okay. I'll answer it at a high level, as

6   best as I can. Oracle was installed. It's the first

7   time I'd installed Oracle on a Sun of that size. All

8   the time I've ever installed Oracle was on a larger

9   computer, a faster computer, more CPUs and so on. A lot

10   of time was configuring Oracle to actually work at a

11   speed -- we were having problems over three months with

12   the Oracle performance on this machine. And a lot of

13   tuning was done. It turned out that this particular

14   server -- it wasn't a server, it was actually considered

15   by Sun the entry level workstation. It was a server by

16   definition, but not, as far as Sun is concerned, an

17   Enterprise class server. They certified that Oracle

18   will, in fact, run on it, but it will run slow. Oracle

19   said this. Sun said this.

20   A lot of time was spent trying to figure out

21   why it wasn't running as fast as it should. The

22   conclusion was, at some point in the future, as a

23   production machine, we should go to a larger, faster

24   Sun.

25   Coding was done with respect to Oracle,

1   Oracle database development. Web site -- I think we

2   finally moved Little Miss Liberty's Web site to it. I

3   think it was probably mid -- mid-March when we were

4   testing the E-commerce side of it because it needed to

5   connect to the database at some point, but up until

6   then, it wasn't database -- it didn't have any

7   requirements on either databases.

8   Two or three times over the five months that

9   you're talking about, January to March, Sun patches were

10   installed, security was tightened, code was tested on

11   it. Java was installed, I think, the beginning of

12   February, I suspect. Does that answer your question?

13   Q   (By Mr. Loeb) You installed the Oracle

14   software from Colorado?

15   A   Steve aided in the installation initially

16   while I was in California. He put the CD in the CD

17   tray. I think the initial instance -- the initial

18   install of Oracle was done while I was in California --

19   Q   Okay.

20   A   -- and then tuning was done remotely.

21   Q   What was -- explain what the tuning is.

22   A   As I just alluded, it was running kind of

23   slow. Initially we thought, Oh, there's not enough

24   memory, but we didn't know what it was. It was just

25   kind of slow, not -- as I said, it turned out that it

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1   wasn't -- although, I recommended this machine; I

2   recommended this machine for development purposes. And

3   it wasn't actually -- actually over time we evaluated

4   that to put it in production, we would need a larger

5   machine.

6   Q   Put what in?

7   A   Put anything in production, that this

8   machine should be used as development.

9   Q   What was slow?

10   A   The response time with Oracle and Java. You

11   would click on it, and it would take time to respond, as

12   opposed to instantaneous.

13   Q   You mentioned you did coding on the Sun

14   Ultra computer. Did you do that from Colorado?

15   A   Other than the initial installation and the

16   time that I spent in California that week, everything

17   was done remotely.

18   Q   Explain to me more specifically, what was

19   the coding that you did on the Sun Ultra?

20   A   There was code needed for the baby registry

21   product. There was code needed for the MRP project.

22   There was code needed and tested for Oracle connectivity

23   with CGIs and Web stuff. Pretty much all Oracle

24   development, with respect to the Little Miss Liberty

25   Crib Company projects at -- you know, in general, were

1   all done, in the beginning, on the machine called

2   Matthew, the Sparc 5. Later it was moved over to the

3   Ultra 5.

4   Q   Okay. So you transferred source code into

5   the Sun Ultra 5 during this period we're talking about?

6   A   During this time period.

7   Q   And to your knowledge, did all the source

8   code that you transferred to the Sun Ultra 5 relate to

9   work you were doing concerning Little Miss Liberty?

10   A   Let me think. I'm trying to remember when

11   the database itself was actually installed. It was

12   installed after the time I had left. The database

13   software and the database itself are two different

14   things. You understand that Microsoft Word is a program

15   that allows you to create Word documents? You

16   understand that?

17   Q   No. I don't understand it, but --

18   A   Well, let me explain.

19   Q   -- I'll just ask the questions, and you give

20   me the best answers you can.

21   A   As best as I can do. Oracle software is a

22   program just like Microsoft Word is a program. The

23   Oracle database or databases Oracle software allows to

24   live. Just like a Word document, without the Word

25   software, you can't view it. You can't look at it. You

1   need the Word program in order to see a Word document.

2   Similarly is the case for database and database

3   projects.

4   I installed the basic installation of Oracle

5   with Steve, but we didn't put any databases on his

6   machine. He went and installed the very large database,

7   which had, you know, multiple hundreds of tables, if I

8   remember correctly, which is called -- which I will call

9   Manhattan Software's schema. And I'll reference that in

10   questions. Manhattan Software's schema, the baby

11   registry product and the MRP product are programs

12   referenced, some of the tables of that big Mahattan

13   Software database schema. I'll write it down so I

14   remember to use the same words over and over.

15   Steve installed the big one. I installed

16   the pieces and accessed and modified those, as he asked

17   to make changes. But there was a good portion of it in

18   the database that was on that machine that I never

19   touched.

20   Q   How do you know that Mr. Mitchell installed

21   what you referred to as Manhattan Software's schema,

22   this big database to the Sun Ultra?

23   A   Well, he told me that he was installing this

24   and that I was to use Table X, Y, and Z for the

25   different products. We were leveraging existing work to